

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 67

RELATING TO: Rental Unit Energy Efficiency Standards

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: ☒ YES ☐ NO

CONTACT PERSON: Joe Hertel TITLE: Program Manager

TELEPHONE: 266-5649 EMAIL: jhertel@commerce.state.wi.us

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Revisor of Statutes, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Mary P. Burke
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1) and (15), and 101.122, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 67 relating to rental unit energy efficiency standards.

The public hearing will be held as follows:

Date and Time:

Thursday, March 15, 2007
10:00 am

Location:

Conference Room 3C
Thompson Commerce Center
201 West Washington Ave.
Madison, WI

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until March 29, 2007, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Joe Hertel, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jhertel@commerce.state.wi.us.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapter Comm 67

RELATING TO: Rental Unit Energy Efficiency Standards

1. Types of small businesses that will be affected by the rules.

Any small business providing inspection services for compliance with the rental unit energy efficiency standards, and any small business owning rental property under the scope of these rules will be affected.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

The proposed rules have no additional reporting or bookkeeping requirements.

3. Types of professional skills necessary for compliance with the rules.

No new skills are required.

4. Rules have a significant economic impact on small businesses.

☒

No

Rules not submitted to Small Business Regulatory Review Board

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Yes

Rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ASSESSMENT

Department of Commerce

Rule No.: Chapter Comm 67

Relating to: Rental Unit Energy Efficiency Standards

Notice is hereby given that the Department has prepared a preliminary Environmental Assessment (EA) on the proposed rules. The preliminary recommendation is a finding of no significant impact. Copies of the preliminary EA are available from the Department on request and will be available at the public hearings. Requests for the EA and comments on the EA should be directed to:

Joe Hertel
Division of Safety and Buildings
Department of Commerce
P.O. Box 2689
Madison, Wisconsin 53701
Telephone (608) 266-5649
or TTY (608) 264-8777

Written comments will be accepted until March 29, 2007.

FISCAL ESTIMATE DOA-2048 (R06/99)	<input checked="checked" type="checkbox"/> ORIGINAL <input type="checkbox"/> CORRECTED	<input type="checkbox"/> UPDATED <input type="checkbox"/> SUPPLEMENTAL	LRB or Bill No./Adm. Rule No. Chapter Comm 67 Amendment No. if Applicable			
Subject Rental Unit Energy Efficiency Standards						
Fiscal Effect <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input checked="checked" type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation </div> <div style="width: 35%;"> <input type="checkbox"/> Increase Costs - May be Possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div>						
Local: <input checked="checked" type="checkbox"/> No local government costs						
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%; vertical-align: top;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </td> <td style="width: 33%; vertical-align: top;"> 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </td> <td style="width: 34%; vertical-align: top;"> 5. Types of Local Governmental Units Affected: Towns <input type="checkbox"/> Villages <input checked="checked" type="checkbox"/> Cities <input type="checkbox"/> <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input checked="checked" type="checkbox"/> WTCS Districts </td> </tr> </table>				1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: Towns <input type="checkbox"/> Villages <input checked="checked" type="checkbox"/> Cities <input type="checkbox"/> <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input checked="checked" type="checkbox"/> WTCS Districts
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Assumptions Used in Arriving at Fiscal Estimate <div style="margin-bottom: 20px;"> <u>State Effect</u> <p>The Safety and Buildings Division is responsible for administering and enforcing chapter Comm 67 relating to rental unit energy efficiency standards. The proposed rules change the Division's fees charged for administering and enforcing chapter Comm 67 by eliminating the \$25 fee for an application exemption and the \$50 fee charged for each stipulation and waiver issued by the Division. By eliminating the stipulation and waiver fees, the Division's internal fiscal processing would also be improved by eliminating the need to send rebates to the 61 local authorized agents who submit these fees to the agency.</p> <p>The certification stamp fee will be raised from \$20 to \$30. While there will be a fiscal impact, the proposed rules will not create any additional workload costs.</p> </div> <div style="margin-bottom: 20px;"> <u>Local Effect</u> <p>Local municipalities authorized by the Department to issue certificates of compliance may enforce these rules, and will have the authority to offset any costs by charging appropriate fees.</p> </div> <div> <u>Private Sector Effect</u> <p>The provisions in chapter Comm 67 are to establish minimum energy efficiency standards for rental units that must be met before the ownership of a rental unit is transferred. The intent of the rules is to ensure that rental units in Wisconsin are constructed and maintained as to promote efficient energy use. The proposed changes are primarily to rules relating to administration and enforcement procedures; however, there are changes that will require the insulation of ducts and pipes located in vented attic spaces. It is assumed that for such rental units, it may cost up to \$200 to provide the required insulation. The Department anticipates few rental units would be affected. The elimination of the fees for stipulations and waivers will be a cost savings to owners who would otherwise be required to file and pay a fee for either of these situations.</p> </div>						
Long-Range Fiscal Implications None known						
Agency/Prepared by: (Name & Phone No.) Commerce (Joe Hertel/266-5649)		Authorized Signature/Telephone No. 				
		Date				